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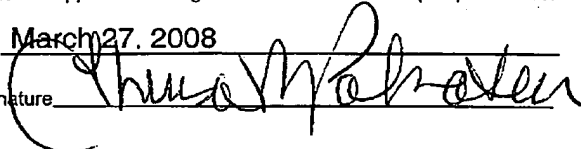
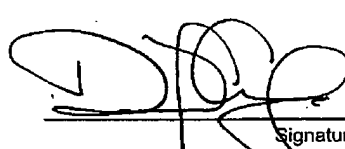
MAR 27 2008

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 67108-210; Kogiantis 14-4-7-5	
CERTIFICATE OF FACSIMILE I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>March 27, 2008</u> Signature <u></u> Typed or printed name <u>Theresa M. Palmateer</u>		Application Number 10,603,290	Filed 06/25/2003
		First Named Inventor Achilles G. Kogiantis	
		Art Unit 2618	Examiner Dao, Minh D.
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>37,139</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		 Signature <u>David J. Gaskey</u> Typed or printed name <u>248-988-8360</u> Telephone number <u>March 27, 2008</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAR 27 2008

67,108-210
Kogiantis 14-4-7-5**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kogiantis, Achilles G.
Serial Number: 10/603,290
Filed: 06/25/2003
Group Art Unit: 2618
Examiner: Dao, Minh D.
Title: METHOD FOR IMPROVED PERFORMANCE AND
REDUCED BANDWIDTH CHANNEL STATE
INFORMATION FEEDBACK IN COMMUNICATION
SYSTEMS

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant is appealing the final rejection of claim 5. Pre-appeal brief review is warranted because there is no *prima facie* case of obviousness against claim 5.

**The rejection of Claim 5 under 35 USC
103 as being unpatentable over the
Hottinen reference in view of the Seo
reference must be withdrawn.**

Claim 5 depends from claim 1. Those claims are copied here for convenience.

1. A method of transmitting information in a communication system having at least one multiple antenna system, the method comprising the step of:

transmitting over N defined time periods long term information comprising a correlation value between at least two antennas that is a function of a signal vector received on the at least two antennas arranged

67,108-210
Kogiantis 14-4-7-5

in a particular format and obtained from at least a portion of at least one of measured or calculated received information where N is an integer equal to 1 or greater.

5. The method of claim 1 where the long term information is transmitted by a base station of a wireless communication system.

Importantly, claim 5 includes "transmitting the long term information *from* a base station." The Examiner contends that section 0063 of the *Hottinen* reference teaches this but it does not. The *Hottinen* reference repeatedly indicates that a mobile station or user equipment (UE) sends feedback information to a base station or Node B (see, e.g., lines 1-3, para 0043; lines 1-4, para 0044; lines 1-3, para 0045; lines 1-3, para 0048 and lines 1-3 para 0063). The feedback information in the *Hottinen* reference is what the Examiner equates with the "long term information" of Applicant's claim 5. The portion of the *Hottinen* reference mentioned by the Examiner as a basis for rejecting claim 5 (i.e., section 0063) indicates that the "dominant eigenvectors (or their parameters)" are signaled *to the* base station/Node B in feedback signaling. That clearly indicates that what the Examiner considers "long term information" is *sent by the mobile or UE to the base station*. That information is not *sent by* the base station, but instead, is *received by* the base station.

Paragraph 0063 of the *Hottinen* reference does indicate that "The base station transmits then to the user equipment UE these dominant long-term beams." The beams transmitted by the base station are not the same thing as the long term information transmitted by the UE to the base station, however. Instead, the base station uses the feedback information it receives from the UE to decide which beams to use for transmission to the UE. In other words, the "long-term beams" are not the same thing as "long term information" as that term is used in Applicant's claim 5.

If the Examiner is interpreting the "long-term beams" of the *Hottinen* reference to be the

67,108-210
Kogiantis 14-4-7-5

same as the long-term feedback information, then that interpretation is not reasonable. It makes no sense, for example, for the UE to send information to the base station and then have the base station send the same information back to the UE. That would be a waste of precious channel resources, for example, and would not have any benefit because the UE already had the information that it sent to the base station before it would receive it back again.

There is no way to find a base station transmission of long term information as that is recited in Applicant's claim 5 within the *Hottinen* reference. Even if it were combined with the *Seo* reference, there still is no transmission from a base station that corresponds to the long term information as recited in Applicant's claim 5.

There is no *prima facie* case of obviousness against claim 5 and that rejection has to be withdrawn.

MAR 27 2008

67,108-210
Kogiantis 14-4-7-5


As claim 5 is the only claim on appeal, this case should not proceed to the Board. Applicant is willing to rewrite claim 1 to include the limitations of claim 5 in response to a decision based on this request that is favorable to Applicant. Given the indication of other allowed claims and such an amendment, this case would be in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

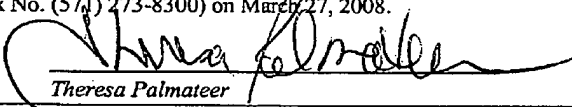
March 27, 2008

Date



David J. Gaskey, Reg., No. 37,139
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(248) 988-8360**CERTIFICATE OF FACSIMILE**

I hereby certify that this Appeal Brief, relative to Application Serial No. 10/603,290, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on March 27, 2008.



Theresa Palmateer